



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,943	04/15/2004	Shinichi Ide	EHH-139-A	7291
21828	7590	03/31/2005	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES 24101 NOVI ROAD SUITE 100 NOVI, MI 48375			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Office Action Summary	Application No.	Applicant(s)
	10/824,943	IDE ET AL.
	Examiner Lars A Olson	Art Unit 3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1,12,14 and 16 is/are rejected.
- 7) Claim(s) 2-11,13 and 15 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau.(PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04152004</u> .	6) <input type="checkbox"/> Other: ____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 12, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Onoue (US 4,917,639).

Onoue discloses the same drive shaft support structure as claimed, as shown in Figures 1-3, for a marine propulsion system having a gear case, defined as Part #18, that forms a lower part of said marine propulsion system, as shown in Figure 1, and is provided with a vertical drive shaft receiving bore, as shown in Figure 2, and a gear chamber that is connected to the lower end of said drive shaft receiving bore, as shown in Figure 1, which receives a bevel gear mechanism, defined as Part #21, for transmitting power of a drive shaft, defined as Part #15, which is supported in said drive shaft receiving bore for rotation in a bearing, defined as Part #42, that is fixedly held in said drive shaft receiving bore, as shown in Figure 2, to a propeller shaft, defined as Part #22, where said drive shaft support structure is comprised of a bearing fastening member, defined as Part #43, for holding said bearing in said drive shaft receiving bore so that said bearing is substantially vertically fixed in place in said drive shaft receiving bore, as shown in Figure 2, and a covering member, defined as Part #49, that is

penetrated by said drive shaft, as shown in Figure 2, said covering member being disposed above said bearing fastening member in order to close an upper end of said drive shaft receiving bore in a fluid-tight manner, as described in lines 3-8 of column 4. An under panel, defined as Part #48, with an opening through which said drive shaft is passed, as shown in Figure 2, is also provided on an upper surface of said gear case so as to extend across said drive shaft receiving bore, and a water pump, defined as Part #45, that is driven by said drive shaft is mounted on said under panel, as shown in Figure 2.

***Allowable Subject Matter***

3. Claims 2-11, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ogino et al. (US 5,820,425) and Meyer (US 3,943,790) disclose marine outboard lower unit gear assemblies.

5. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

March 22, 2005

LARS A. OLSON  
PRIMARY EXAMINER

*Lars Olson*  
3/22/05